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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,679	11/21/2003	Steve Mundy	018360/269090	1310
826	7590	11/29/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			KRAMER, JAMES A	
		ART UNIT		PAPER NUMBER
				3627

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/719,679	MUNDY, STEVE	
	Examiner James A. Kramer	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 14, 16-34 and 38-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 14, 16-34 and 38-58 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 17-25, 27-29 and 31-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al.

Williams et al. teaches an apparatus, system and method for online, multi-parcel, multi-carrier, multi-service enterprise parcel shipping management.

With respect to **Claim 14**, Williams et al. teaches providing a selectable list of suppliers to a user via a buyer interface of an electronic procurement system wherein said electronic procurement system is configured according to an established procurement policy (see for example page 2 paragraph 0017); allowing said user to purchase one or more goods from one or more of said suppliers via the electronic procurement system and offering shipping services to the user via the electronic procurement system upon the user selecting the shipping carrier from the list of suppliers (see page 3, paragraph 0021).

Examiner notes that the comparison array of Williams et al. represents Applicant's selectable list.

Further, Examiner notes that Applicant fails to set forth a clear and definite definition for an electronic procurement system. Based on Applicant's specification and in particular the "Description of Related Art" Examiner interprets an electronic procurement system as a

computerized system, within a company developed to alleviate the hassles that can be associated with maintaining a business procurement policy and to maximize access to data regarding business purchases (Specification, page 2, paragraph 0008, lines 1-3). Examiner notes that the system of Williams et al. meets this interpretation (for example see page 3, paragraph 0029).

Lastly, Examiner notes that “goods” purchased from the suppliers of the claimed invention is interpreted as shipping products (e.g. shipping label). Examiner notes that this is consistent with Applicant’s specification and the additional claims. For example Claim 17 recites “returning a shipping label to the buyer interface.” It would be inconsistent for a buyer to purchase a product from a supplier and then receive the shipping label. Rather the seller would need the label in order to send the purchased good to the buyer. As such, the interpretation of good presented by Examiner is the only one that makes sense.

With respect to **Claims 17 and 18**, Williams et al. teaches generating a shipping label; and returning a shipping label to the buyer interface; wherein the step of generating a shipping label comprises providing the ship to address, and the level of service to a shipping carrier tracking application (see page 3, paragraphs 0020-0025).

With respect to **Claims 19 and 20**, Williams et al. teaches wherein the electronic procurement system comprises a buyer procurement server, a shipping carrier procurement services server and a commerce services server (see Figure 3). Examiner notes that the Enterprise User Computers represent buyer procurement server. Further the system data center

represents commerce services server and the carriers' servers represent shipping carrier procurement services server.

With respect to **Claims 21 and 22**, Williams et al. teaches sending user data from the buyer procurement server to a commerce services server and sending user data from the commerce services server to the shipping services procurement server upon user selecting the shipping carrier from the list of suppliers (see Figure 3 and page 6, paragraphs 0101 through 0109).

Examiner notes the Enterprise User Computers (8a-8n) represent Applicant's buyer procurement server. Additionally, the Firewall/Proxy servers (21a-21k) represent Applicant's commerce servers, as all information from the Enterprise user/buyer is filtered through these servers. Finally, the Web Farm (21m-21r) represents Applicant's shipping services procurement server (see page 6, paragraph 0101, lines 4-8)

Examiner further notes that user information is passed from the Enterprise system (buyer procurement servers) through the firewall/proxy servers (commerce servers) to the System (shipping services procurement server) in order to rate a shipment and thus allow selection by the user of the shipping company (see 8. Shipment Rating starting on page 13, paragraph 0252).

With further respect to **claims 21 and 22**, Williams et al also teaches sending a startup URL from the shipping carrier procurement services application to the buyer procurement application (see Figure 7).

Examiner notes the similarity between Williams et al.'s Figure 7 and Applicant's Figure 3, described in the Specification on page 9, paragraph 0041, lines 1-7.

With respect to **Claim 23**, Williams et al. teaches wherein the user data comprises: a user identifier, a buyer company identifier, a return URL and a session identifier (see page 21, paragraphs 0347 and 0348) (page 23, paragraph 0377 through page 24, paragraph 0389).

Examiner notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that this represents passing user and buyer company identifier. Further, Williams et al.'s PID represents Applicant's session ID. Lastly the create a link feature represent the return URL used to return transaction information back to the user.

With respect to **Claim 24**, Williams et al. teaches sending transaction data to the buyer procurement server from the shipping carrier procurement services server, the data being sent to location referred to by the return uniform resource locator (see page 23, paragraph 0377 through page 24, paragraph 0389). Examiner notes, as was discussed with respect to claim 23, the create a link feature returns transaction information embedded in a URL to the users.

With respect to **Claim 25**, Williams et al. teaches wherein the user data further comprises: a unique buyer key; and a supplier company identifier. Examiner once again notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that these rules include shipper identifiers which identify the

Art Unit: 3627

shippers available to a particular user. Further, Examiner notes that a user name represents a unique buyer key.

With respect to **Claim 27**, Williams et al. teaches wherein the user data comprises: a user identifier; a buyer company identifier; a return uniform resource locator; and a session identifier (see page 21, paragraphs 0347 and 0348) (page 23, paragraph 0377 through page 24, paragraph 0389).

Examiner notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that this represents passing user and buyer company identifier. Further, Williams et al.'s PID represents Applicant's session ID. Lastly the create a link feature represent the return URL used to return transaction information back to the user.

With respect to **Claim 28**, Williams et al. teaches wherein the user data further comprises: a supplier company identifier. Examiner once again notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that these rules include shipper identifiers which identify the shippers available to a particular user. Further, Examiner notes that a user name represents a unique buyer key.

With respect to **Claim 29**, Williams et al. teaches wherein the user data further comprises: a unique buyer key, and a unique supplier key, the unique buyer key being sent from the procurement server to the commerce services server and the unique supplier key being sent

Art Unit: 3627

from the commerce services server to the shipping carrier procurement services server (see page 21, paragraphs 0347 and 0348) (page 23, paragraph 0377 through page 24, paragraph 0389).

Examiner notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that this represents passing a buyer key. Examiner notes that these rules further include shipper identifiers which identify the shippers available to a particular user.

With respect to **Claim 31 and 32**, Williams et al. teaches wherein the startup uniform resource locator contains embedded values comprising a user identifier, a buyer company identifier, and a session identifier. (see page 23, paragraph 0377 through page 24, paragraph 0389). Examiner once again notes that the PID represents the session identifier, which relates back to the logged in user and buyer company and as such includes that information embedded in the URL.

With respect to **Claim 33**, Williams et al. teaches directing a browser application on the buyer interface to the startup uniform resource locator (see Figure 7).

Examiner notes the similarity between Williams et al.'s Figure 7 and Applicant's Figure 3, described in the Specification on page 9, paragraph 0041, lines 1-7.

With respect to **Claim 34**, Williams et al. teaches enabling the user to specify package shipping data including a ship to address, a package weight, and a level of service (see page 21, paragraph 0347).

Art Unit: 3627

With respect to **Claim 38**, Williams et al. teaches a buyer interface communicatively connected to a network; a buyer procurement server communicatively connected to the network, the buyer procurement server configured to offer shipping services to a user accessing the buyer interface; and a shipping carrier procurement services server communicatively connected to the network, the shipping carrier procurement services server being configured to respond to a request for shipping services from the user by sending an electronic shipping label to the buyer interface. (see analysis of Claim 19 - 21)

With respect to **Claim 39**, Williams et al. teaches a commerce services server communicatively connected to the network, the commerce services server configured to accept a request for shipping services from the buyer procurement server and forward that request to the shipping carrier procurement services server. (see analysis of Claim 19 - 21)

With respect to **Claim 40**, Williams et al. teaches a shipping carrier procurement services server configured to receive a request for shipping services made from a buyer interface of an electronic procurement system and configured to generate and return an electronic shipping label to the buyer interface. (see analysis of Claims 19-21)

With respect to **Claim 41**, Williams et al. teaches a shipping carrier tracking application configured to accept a request for a shipping label from the shipping carrier procurement services

Art Unit: 3627

server, generate a shipping label, and send the shipping label to the shipping carrier procurement services server (see page 25, paragraph 0429 through page 27, paragraph 0445).

With respect to **Claims 42 and 43**, Williams et al. teaches wherein the shipping carrier procurement services server is configured to send a total amount for shipping services to a buyer procurement application and further comprising: a shipping carrier billing application configured to accept a request for a total shipping amount from a shipping carrier procurement services server, calculate a total shipping amount, and send the total shipping amount to the shipping carrier procurement services server. (see the section on Rating starting on page 13, paragraph 0252). Examiner notes that Rating a Shipment represents determining the cost.

With respect to **Claim 44**, Williams et al. teaches wherein the shipping carrier procurement services server is configured to send a startup uniform resource locator to the buyer interface upon the server receiving the request for shipping services. (see Figure 7).

Examiner notes the similarity between Williams et al.'s Figure 7 and Applicant's Figure 3, described in the Specification on page 9, paragraph 0041, lines 1-7.

With respect to **Claim 45**, Williams et al teaches wherein the shipping carrier procurement services server is configured to receive package shipping data from the buyer interface (see page 13, paragraph 0253).

Examiner notes that information necessary to price shipment of a package represents Applicant's package shipping data.

With respect to **Claim 46**, Williams et al. teaches wherein the electronic shipping label returned to the buyer interface includes one or more elements of the package shipping data (see Figure 2). Examiner notes that “Ship To” represents one or more elements of package shipping data.

Examiner notes the newly added claims 47-58 are substantially similar to the claims as explained above and are therefore rejected under the same analysis.

Response to Arguments

Applicant's arguments filed 9/14/05 have been fully considered but they are not persuasive.

Applicant asserts that the electronic procurement system of the present invention is configured so that employees can purchase tangible goods and once the goods are purchased the system offers shipping services to the user (employee), so that the user (employee) may ship their recently purchased supplies. Examiner respectfully disagrees.

As pointed out in the rejection above, Applicant's proposed scenario does not make sense to the Examiner. In particular, if the employee/user buys a supply then it would be the seller that would need the label to ship the product to the employee/user. If the employee/user prints the shipping label how does the seller get the labels in order to ship the supplies to the employee/user?

In addition, based on Applicant's own Specification it appears that the invention is a method of purchasing shipping goods in the same manner as other tangible goods (see Figure 5) rather than buying shipping products upon the purchase of a tangible good.

As such it is the position of the Office that the interpretation of the claims as presented in the Office Action is the broadest reasonable interpretation and the claims are properly anticipated by Williams. Further, Applicant's interpretation appears to be in contrast with the Specification and is not considered reasonable.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

Art Unit: 3627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

jak

Michael Cuff 11/22/05
MICHAEL CUFF
PRIMARY EXAMINER